

REMARKS

Reconsideration of this application is requested.

With entry of this amendment, the pending claims are claims 1, 5, 6 and 8 – 14.

Claims 2, and 15-19 are being canceled herewith. Claims 3, 4 and 7 were previously canceled.

Claim 1 has been amended to emphasize novel aspects of the applicants' invention. More specifically, claim 1 has been converted to Jepson style. Features of claims 2, 15 and 16 have been added to claim 1. Other features added to claim 1 find support at page 7, last full paragraph of the specification (reduction of water content to less than 15% by weight in the preheating before extrusion) and temperature of the heated mass (page 4, last full paragraph).

The dependence of claims 9 and 10 has been changed. This change in claim 9 obviates the Examiner's dependency against this claim.

Claims 5 and 13 have been amended in a way which is thought to improve their form.

The applicants respectfully submit that the claims, as amended, define subject matter within is patentable over Birch et al. (U.S. 2003/0180340, now issued as U.S. P Patent No. 6,927,195) in view of Allen et al. (U.S. 2001/0016566). Accordingly, reconsideration of the Examiner's final rejection of the applicants' prior claims based on these references is requested, along with allowance of the presently amended claims.

More specifically, claim 1, as amended, calls for an improvement in the production of particles of the type indicated by (a) preparing an aqueous slurry by mixing together the water-soluble encapsulating material, aqueous solution, core material and perfume; (b) preheating the slurry to reduce water content to less than 15% by weight and provide a molten or rubbery mass of material with a temperature between its glass transition temperature (Tg) and its melting point (Tm), than (c) extruding as defined in claim 1 using the indicated type of extruder followed by (d) processing of the extruded material into particles.

The claimed combination of steps is important to obtain the claimed results. Thus, for example, preheating the aqueous slurry to remove water and obtain the indicated molten or rubbery mass as defined is important to facilitate the subsequent

extruding step. See, for example, page 4, 3rd full paragraph of the applicants' disclosure in this regard.

There is nothing in Birch et al. U.S. 2003/0180340, considered with or without Allen et al. which suggests the applicants' invention. Admittedly, Birch et al. refer to extrusion as one way of preparing their particles. See paragraph [0090] of the reference. However, there is nothing in Birch et al. equivalent to the applicants' preheating steps or the function thereof. Birch et al. refer to the possibility of removing excess water from the extruder using a venting operation. However, there is no disclosure in Birch et al. of the applicants' step of preheating the aqueous slurry before extrusion to remove water and form a molten or rubbery mass for extrusion.

Birch et al. refer [0093] to dehydrating an aqueous slurry including core material containing absorbed perfume. However, this is not disclosed or suggested in connection with a subsequent extrusion step as the applicants contemplate. Some of the Examples of Birch et al. refer to procedures for making particles using extrusion. See Examples 5, 9, 10 and 11. None of these examples, however, refer to a preheating step prior to extrusion as called for by the applicants' claims.

The Examiner refers to Birch et al. [0089] as disclosing heating a slurry to reduce water content. However, this section of Birch et al. is concerned with the preparation of sugar-coated particles. According to Birch et al., core material with perfume absorbed therein is mixed with sugar syrup to coat the core material. The only reference to heating here is with respect to the formation of the sugar syrup to coat the core. The coated particles are then dehydrated to provide sugar coated core particles. There is nothing in this part of Birch et al. or otherwise suggesting the preheating of an aqueous slurry of core, encapsulating material (e.g., sugar) and perfume before extrusion. Birch et al. simply discloses heating the sugar to melt it for application to core particles containing the perfume. This is not in any sense equivalent to what the applicants are claiming. Admittedly, the last sentence of [0089] of Birch et al. refers to also preparing particles as described by extrusion, spraying, chilling or spinning disc technology. However, these are clearly considered by Birch et al. to be separate and distinct ways of preparing the desired particles.

Thus, in short, Birch et al. do not disclose preparing an aqueous slurry by mixing together a core material, encapsulating material, and perfume; preheating the slurry to remove water and obtain a molten or rubbery mass as the applicants require, followed

by extrusion. Furthermore, nothing in Birch et al. is suggestive of the use of the type of extruder called for by the applicants. Accordingly, the applicants submit that Birch et al. is not suggestive of the applicants' invention.

Allen et al., even if considered with Birch et al., does not disclose or suggest the applicants' process, particularly steps (a) and (b) thereof. Thus, in short, Allen does not disclose preparing an aqueous slurry by mixing together core material, aqueous solution, encapsulating material and perfume; subjecting the slurry to preheating as and for the purpose called for by the applicants followed by extrusion of the molten or rubbery mass resulting from the applicants' preheating step.

Consistent with the foregoing the applicants submit that their claims define subject matter which is new and unobvious from the Examiner's references even if these references are considered together.

Accordingly, favorable action is requested.

Respectfully submitted,
MORGAN LEWIS & BOCKIUS LLP

By Paul N. Kokulis
Paul N. Kokulis
Reg. No. 16,773

Dated: February 27, 2009

Customer No. 09629
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: 202-739-3000
Fax: 202-739-3001